

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE ROSALES, et al.,

Plaintiffs,

No. C 12-03776 JSW

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

**ORDER VACATING DISMISSAL  
AND JUDGMENT**

On September 9, 2013, the Court issued an Order to show cause why this case should not be dismissed for failure to prosecute. The Court further ordered that Plaintiffs' response to the Order to Show Cause would be due by September 23, 2013, and that if they failed to file a response to the Order to Show Cause by September 23, 2013, the Court would dismiss this case. On October 7, 2013, the Court dismissed this action for failure to prosecute and entered judgment on October 8, 2013.

The Court inadvertently dismissed this action and entered judgment before reviewing the letter written by plaintiff Maria Rosales on October 2, 2013. The Court HEREBY EXTENDS the deadline for Plaintiffs to respond to the ORDER TO SHOW CAUSE ("OSC") why the pending motion to dismiss should not be granted in light of their failure to file a timely opposition or statement of non-opposition. If Plaintiffs seek to file a substantive response to Defendants' motion, Plaintiffs must demonstrate good cause for failing to their opposition brief in a timely fashion. In their response to this OSC, Plaintiffs are also directed to show cause why this case should not be dismissed for failure to prosecute. Plaintiffs shall file their response to

1 the OSC, and a substantive response to the motion to dismiss, by no later than **October 25,**  
2 **2013.** Plaintiffs are admonished that their failure to respond the OSC by **October 25, 2013** will  
3 result in a dismissal of this action without further notice.

4 If Plaintiffs file a substantive response to Defendants' motion and demonstrates good  
5 cause for their delay, the Court will provide Defendants an opportunity to file a reply brief by  
6 no later than November 1, 2013. The hearing on Defendants' motion to dismiss will be held on  
7 December 13, 2013 at 9:00 a.m.

8 **IT IS SO ORDERED.**

9  
10 Dated: October 9, 2013

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOSE ROSALES et al,  
Plaintiff,

Case Number: CV12-03776 JSW

**CERTIFICATE OF SERVICE**

v.

BANK OF AMERICA N.A. et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 9, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose Rosales  
34 Elkwood Drive  
South San Francisco, CA 94080

Maria Dolores Rosales  
101 A-Hickey Blvd. #119  
South San Francisco, CA 94080

Dated: October 9, 2013



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk